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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/552,519

10/31/2005

Paul Adams

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08/31/2009

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EXAMINER

RENDON, CHRISTIAN E

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

08/31/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/552,519	<b>Applicant(s)</b> ADAMS, PAUL	
	<b>Examiner</b> CHRISTIAN E. RENDÓN	<b>Art Unit</b> 3714	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/07/05</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claims 9, 12-14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim on another multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

### ***Examiner's Position***

touch screen: an input device that allows a user to choose options on a computer by touching the screen (Encarta Online Dictionary)

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The language states "laminated vinyl/conductive carbon membrane" and is considered indefinite due to the lack of definition towards "/". Thus appropriate corrections are required however the Examiner considered the "/" as an "or" statement in his response.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-2, 5-7 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Oishi et al. (US 6,450,886 B1).**

1. Regarding claims 1-2, the prior art discloses an **electronic game** that receives from a foot switcher **200** designed to detect the player's steps (col. 3, lines 4-6). The foot switcher **200** is a mat or rectangular shape arranged into three areas. The main area consists of nine squares containing **pressure switches** that are larger than the heel of the game player (col. 8, lines 16-18) labeled by a directional arrow (fig. 3). The second area is composed of **pressure switches** labeled 'X' and 'O' (col. 8, lines 4-11) or action buttons in the top corner of the mat (fig. 1) and the third area other areas are composed of Start and Select button (col. 7, lines 61-63) on the top portion of the mat (fig. 5A; 219a-b). Thus the prior art discloses **an array of indicators consisting of two different types:** Arrow and Action buttons (fig. 1). Hence the mat has **two sets of player operable switches containing sensors that correspond to each type of indicator**. The object of the game is to step in response to the varied directional symbols that appear at the bottom of the screen (col. 11, lines 24-47). Hence the **microprocessor is connected to each of the switches that are operable to control the activation of each indicator** (col. 9, lines 39-45) **to change the game state** (col. 11, lines 38-40) **in response** (fig. 13) **to the operation of a switch in dependence on the correspondence between the operated switch and an activated indicator** (col. 11, lines 24-47).
2. Regarding claims 5-7, the prior art discloses four player operable switches (fig. 3) arranged on a mat (abstract). The switches are activated by the player's **feet** (abstract). The mat contains several layers and the third layer is formed with a carbon layer due to its good electrical conductivity (col. 7, lines 19-23). Thus the art teaches a **mat made of a conductive carbon membrane**.
3. Regarding claims 12, the player's goal is to step in accordance to the on screen indicators that scroll down at the rhythm of the song (col. 12, lines 1-25) as shown in figure 13 of the prior art. Thus

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the art teaches **an array of indicators arranged to form a plurality of row of indicators and the game state determines in which row the activated indicator lies.**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi in view of ‘Dance Dance Revolution’**

**([http://web.archive.org/web/20040217170721/http://www.toysnjoys.com/access\\_ps2\\_2b.html](http://web.archive.org/web/20040217170721/http://www.toysnjoys.com/access_ps2_2b.html)).**

4. The above description of the invention disclosed by Oishi and the limitations they pertain is considered within this art rejection as well. The first reference describes the dance pad controlled through a player’s feet movements for the game ‘Dance Dance Revolution’ (DDR). The second reference discloses a hand controller for DDR “for times when you can’t jump around on the pads” as stated by the second reference. Archive.org dates the webpage as far back as 2/17/04; therefore the art combination of the two references teach **indicators and sensors arranged on table top board that are activated by the hands of a player.** In addition, the Examiner views the controller buttons as teaching **switches being keys on a keypad.** Thus the player will press switches in response (col. 11, lines 24-47) to the indicators appearing on the screen (fig. 13).

**Claims 3, 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi in view of DDR hand-held controller (<http://www.groundkontrol.com/arcade/images/DDR.jpg>)**

5. The above description of the invention disclosed by Oishi and the limitations they pertain is considered within this art rejection as well. The new reference further describes the features of Oishi

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by showing that **the user operable switches are colored**. As stated above, the displayed arrows (Oishi: fig. 13) or **indicators correspond with the user operable switches** (col. 11, lines 24-47). It would have been obvious to an ordinary artisan to have matched the color of the indicators with the color of the operable switches since the combination of known elements yields predictable results.

6. Regarding claims 3 and 9, the second reference discloses the use of a light source in the **user operable indicators**. However, the references remain silent towards the type of light source used in the construction of the user operable indicators. It would have been obvious to an ordinary artisan to have provided **light emitting diodes (LEDs)** to produce the disclosed light source of the operable indicators since the combination of known elements yields predictable results.

**Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi in view of DDR hand-held controller and Booth (US 2004/0073944 A1).**

7. The above description of the art combination consisting of Oishi and DDR hand-held controller is considered within this art rejection as well. The prior art discloses a hand-held controller that requires the player to touch user operable indicators as a means of providing an input to the game (col. 11, lines 24-47). However, the art combination remains silent towards a touch screen. The third reference discloses the use of a **touch screen on a hand-held device** (Booth: par. 19, lines 1-3). It would have been obvious to an ordinary artisan to have provided **a touch screen on a hand-held device or computer monitor** since the combination of known elements yields predictable results.

**Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oishi in view of Simon ([http://en.wikipedia.org/wiki/Simon\\_\(game\)](http://en.wikipedia.org/wiki/Simon_(game)))**

8. The above description of the invention disclosed by Oishi and the limitations they pertain is considered within this art rejection as well. The game play disclosed by Oishi is a variant of a well known game in the art called "Simon Says". In other words, both said games instruct a player to perform an action and said player is judged on how well said action is performed. The second

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reference discloses an electronic version of a "Simon Says" game called Simon. Hence the game begins with the player watching the buttons of the Simon game light while it also plays a tone (Simon: game play). The reference states the sequence the player is watching begins and ends with a randomly chosen button (Simon: game play). Therefore the reference teaches **generating a random sequence which is used to control the activation of the indicators that emit different pitch sounds**. It would have been obvious to an ordinary artisan to **generate random sequences** and **emit different pitch sounds** since the combination of known elements yields predictable results.

#### ***Examiner's Note***

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims is patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTIAN E. RENDÓN whose telephone number is (571)272-3117. The examiner can normally be reached on 9 - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art Unit 3714

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Examiner Art Unit 3714  
CER